

Sec. 38-21. - Alcoholic beverages—Possession and consumption in public buildings and parks.

(a) *Definitions.* The following words shall have the meanings set forth herein unless the context clearly indicates otherwise:

Alcoholic beverage means any beverage containing at least one-half of one percent alcohol by volume including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.

(b) Except as is provided in this section, no person shall consume any alcoholic beverage on any property owned or occupied by the city.

(c) The consumption of alcoholic beverages shall be lawful, upon the securing of the necessary permits from the city and the North Carolina Alcoholic Beverage Control Commission, in the following facilities and areas owned or operated by the city:

- (1) The building called McCown-Mangum House in West Point on the Eno Park and its attached patio;
- (2) The property, building and grounds of the police training and recreational facility at Lake Michie;
- (3) The plaza on top of the Durham Centre Parking Garage (Peoples Plaza);
- (4) The grassed areas known as the Amphitheater located on the north side of the Eno River in West Point on the Eno Park, only during the time in which private functions are being held;
- (5) The Durham Armory;
- (6) The CCB Plaza (being the area bounded by Chapel Hill St., Corcoran St., Main St., and Parrish St.);
- (7) The Spruce Pine Lodge in the Lake Michie Recreation Area, including its lawn, the associated picnic areas, and the playfield;
- (8) The Boat House in the Lake Michie Recreation Area, including its deck;
- (9) The Historic Parrish Street Forum;
- (10) The Leigh Farm house in Leigh Farm Park; and
- (11) The following parks located within the downtown area of the city only when such parks are being used for events that are open to the general public: Muirhead Plaza, located at Five Points, ; Rotary Park, located at the intersection of Mangum Street and Morgan Street, ; and the park at the intersection of Mangum and Main Streets.

(d) Any person desiring to provide alcoholic beverages for consumption in one of the facilities or areas listed in subsection (c) of this section shall obtain a permit from the city manager or the city

manager's designee and shall abide by any and all rules or regulations approved by the city manager concerning such consumption.

(e) The consumption of alcoholic beverages shall be lawful, upon securing the necessary permits from the North Carolina Alcoholic Beverage Control Commission, in the following facilities and areas which have been leased from the city by outside agencies or are managed by a third party on behalf of the city:

- (1) The property leased by the city to the Museum of Life and Science;
- (2) Durham Convention Center and its Plaza;
- (3) Durham Arts Council Building;
- (4) Carolina Theatre Building;
- (5) Farmers' Market Pavilion, the Sister Cities Grove (being the area bounded by the Farmers' Market Pavilion on the south, Roney Street on the west, the adjacent private property on the north, and Foster Street on the east), and the grassy meadow on the east side of Foster Street of Durham Central Park. However, the skate park area of Durham Central Park shall be excluded from alcohol consumption;
- (6) Durham Athletic Park; provided, however, that the contents of any beer or wine sold in bottles or cans must be poured into cups;
- (7) Durham Bulls Athletic Park; provided, however, that the contents of any beer or wine sold in bottles or cans must be poured into cups; and
- (8) Durham Performing Arts Center and its plazas.

Nothing in this ordinance shall be interpreted as preventing any of the agencies operating facilities listed in this subsection from determining under what circumstances, if any, they will permit the consumption of alcoholic beverages in those facilities.

(f) The following permit terms for alcohol usage shall apply:

- (1) Any person serving alcoholic beverages shall post on site at all times during which alcoholic beverages are consumed one or more persons who shall be responsible for ensuring that no alcoholic beverages are provided to underage or intoxicated persons;
- (2) Participants, guests and attendees of private and private functions where alcohol is served shall not be permitted to bring their own alcohol to an event; and
- (3) City facilities leased from or managed pursuant to a third party agreement shall be governed by those agreements if they address liability requirements for events where alcohol may be served. Any person desiring to serve alcoholic beverages shall maintain general liability insurance applicable to the serving of alcoholic beverages at the event and shall name the city as an additional insured on the policy with respect to claims arising out of the use of the property owned or operated by the city. A certificate evidencing such insurance shall be submitted to the city manager's office or the manager's designee prior to the holding of an event where alcoholic beverages are served. Insurance shall be at the rate (combined single limit for bodily injury and property damage liability) designated by the city's risk manager. The city's risk manager may vary or waive any requirements stated in this subsection, depending upon the nature of the event for which the permit is to be issued.

(Code 1964, § 13-12; Code 1982, § 12-16; Ord. No. 4884, § 1, 3-20-1978; Ord. No. 4925, § 1, 7-17-1978; Ord. No. 5207, § 1, 7-16-1979; Ord. No. 5287, § 1, 11-5-1979; Ord. No. 5605, § 1, 3-2-1981; Ord. No. 5655, § 1, 4-21-1981; Ord. No. 6219, § 1, 11-7-1983; Ord. No. 6718, § 1, 5-7-1985; Ord. No. 6893, §§ 1, 2, 4-7-1986; Ord. No. 8024, § 1, 3-19-1990; Ord. No. 8072, § 1, 6-4-1990; Ord. No. 9677, § 1, 8-17-1992; Ord. No. 9687, § 1, 9-8-1992; Ord. No. 9993, § 1, 10-4-1993; Ord. No. 13291, §§ 1, 2, 6-19-2006; Ord. No. 13389, §§ 1—3, 3-5-2007)

State law reference— Drinking in public buildings, G.S. 18 B -101.